# **CLASS 6 FELONIES**

**Elements of Offense** 

C.R.S. Citation

Offe	enses Related to the Election Code	
1.	False information regarding residence. Any person who votes by giving a false place of residence commits a class 6 felony.	1-2-228, 1-9-304.5, and 1-13-709.5
Offe	enses Related to Consumer and Commercial Affairs	
2.	<b>Promoting pyramid promotional scheme</b> . Anyone who is convicted of a second or subsequent offense of promoting a pyramid promotional scheme commits a class 6 felony.	6-1-114
Offe	enses Related to Labor and Industry	
3.	<i>Armed guards</i> . Anyone who brings workmen into this state to guard other persons or property with arms, or removes them from one place to another without a permit from the governor, commits a class 6 felony.	8-2-106
Offe	enses Related to Industrial and Commercial Safety	
4.	Willful negligence to observe construction requirement. If any lives are lost by reason of the willful negligence and failure to observe the construction and fire regulations for buildings to be used for public assemblages, the person through whose default such loss of life was occasioned commits a class 6 felony.	9-1-106
5.	<i>Unlawfully transporting explosives</i> . Any person who unlawfully transports explosives in violation of Article 6 of Title 9 commits a class 6 felony.	9-6-103
Offe	enses Related to Insurance	
6.	<i>Violation of insurance laws</i> . Any insurer who wilfully violates the provisions of Article 8 of Title 10 (Regulation of Insurance Holding Companies), commits a class 6 felony.	10-3-810

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#### **Offenses Related to Financial Institutions**

- 7. *Civil liability for wrongful disclosure of financial record.* A director, executive officer, controlling person, or employee of a foreign capital depository or an officer, employee, or agent of a state or local agency who knowingly discloses a financial record in violation of any of the privacy protection provisions of the Colorado Foreign Capital Depository Act commits a class 6 felony.
- 8. *Violation of securities act*. Any person who wilfully violates the provisions 11-51-603 (2) of the "Securities Act" (Article 51 of Title 11) commits a class 6 felony.
- 9. **Violation of "Uniform Facsimile Signature of Public Officials Act."** Any person who violates the provisions of Article 55 of Title 11 commits a class 6 felony.
- 10. *Violation of banking laws*. Any person responsible for any act or omission 11-107-108 (1) (b) expressly declared to be criminal by the banking code, if the act or omission was intended to defraud, commits a class 6 felony.
- 11. *Violation of industrial banking laws*. Any person associated with an 11-108-801 (3) industrial bank who embezzles or misapplies funds of an industrial bank in an amount exceeding \$5,000 commits a class 6 felony.

# Offenses Related to Professions and Occupations

- 12. **Selling motor vehicles without a valid dealer's license**. A person who sells motor vehicles after his or her motor vehicle dealer's license has been denied, suspended, or revoked commits a class 6 felony for a second and subsequent offense.
- 13. Violation of automobile dealer "Antimonopoly Financing Law." Any 12-6-210 person who violates the provisions of Part 2 of Article 6 of Title 12 commits a class 6 felony.
- 14. *Farm products*. A person commits a class 6 felony if that person:
  - makes fraudulent charges or returns for the handling, sale, or storage 12-16-115 (1) (a) or for any service in connection with the handling, sale, or storage of farm products;
  - willfully fails or refuses to render a true account of sales or storage or to make a settlement thereon to pay for farm products received within the time and in the manner required by Part 1 of Article 16 of Title 12:

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• intentionally makes false or misleading statements as to market 12-16-115 (1) (c) conditions for farm products or false or misleading statements as to the condition, quality, or quantity of farm products received, handled, sold, or stored;

- engages in fictitious sales, in collusion, or in unfair practices to 12-16-115 (1) (d) defraud the owners; or
- acts as a dealer, small volume dealer, agent, or transporter without 12-16-115 (1) (e) having obtained a license or acts as a dealer or agent without having executed and delivered a surety bond as provided in Part 1 of Article 16 of Title 12.

# 15. *Farm commodity warehousing*. A person commits a class 6 felony if that person:

- makes fraudulent charges or returns for the handling, sale, or storage 12-16-221 (1) (a) or for the rendering of any service in connection with the handling, sale, or storage of any commodities;
- willfully fails or refuses to render a true account of sales or storage or to make a settlement thereon or to pay for commodities received within the time and in the manner required by Part 2 of Article 16 of Title 12;
- intentionally makes false or misleading statements as to the market conditions for commodities or false or misleading statements as to the condition, quality, or quantity of commodities received, handled, sold, or stored;
- engages in fictitious sales, in collusion, or in unfair practices to 12-16-221 (1) (d) defraud the owners;
- acts as a commodity handler without a license or filing a surety bond 12-16-221 (1) (e) or letter of credit; or
- willfully alters or destroys any negotiable warehouse receipt or the record of such receipt or issuing a receipt without preserving a record thereof; or issues a receipt when the commodity described is not available; or issues, with intent of defraud, a second receipt for a commodity for which a valid negotiable warehouse receipt is already outstanding and in force; or while any valid receipt is outstanding and in force, sells, pledges, mortgages, encumbers, or transfers a commodity in violation of the provisions of Part 2 of Article 16 of Title 12 without the written consent of the holder of the receipt.

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16. *Drugs and druggists*. Violating any of the provisions of Part 1 of Article 12-22-127 22 of Title 12, for a second or subsequent time, constitutes a class 6 felony. 17. *False advertising of cancer cure*. Any person who is convicted of a third 12-30-107 (2) or subsequent offense of willfully and falsely representing a device, substance, or treatment as being of value in the treatment, alleviation, or cure of cancer, commits a class 6 felony. 18. **Podiatrists.** Any person who presents as his own the diploma, license, 12-32-109 (1.5) certificate, or credentials of another, or who gives false or forged evidence to the Colorado Podiatry Board in connection with the application for license to practice podiatry, or who practices podiatry under an assumed name or who falsely impersonates a licensee commits a class 6 felony. 19. Medical practice. A second or subsequent offense of any person, 12-36-129 (1) association or corporation practicing medicine without complying with the provisions of Article 36 of Title 12 is a class 6 felony. 20. Medical practice. A person who practices medicine under a false or 12-36-129 (2) assumed name or who uses false or forged evidence to obtain a license commits a class 6 felony. 21. *Midwifery - unlawful practices*. Any person who practices direct-entry 12-37-108 midwifery without first complying with the registration requirements and the disclosure requirements for a second or subsequent offense commits a class 6 felony. 22. **Practicing nursing without a license**. A professional or practical nurse 12-38-123 (2) who practices without a license or during suspension of a license, or who fraudulently obtains a license commits a class 6 felony if convicted of a second or subsequent violation with three years of the first violation. 23. Nurse aide - unlawful acts. A subsequent violation of any of the 12-38.1-118 (2) provisions of section 12-38.1-118 (1) regarding the practice and certification of nurse aides is a class 6 felony. 24. Nursing home administrator - unlawful acts. A subsequent violation 12-39-116 (2) within 3 years of the date of a first conviction of any of the provisions of section 12-39-116 regarding the practice and licensure of nursing home administrators is a class 6 felony. 25. **Practice of optometry.** Violation of any of the provisions of Article 40 of 12-40-124 Title 12 regarding the practice of optometry for a third or subsequent

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offense is a class 6 felony.

26. **Procuring food or accommodations with intent to defraud.** Any person 12-44-102 who procures food or accommodations with intent to defraud and without making payment, and the amount due under the agreement with the public establishment is more than \$500, commits a class 6 felony. 27. **Cheating.** Cheating at any limited gaming activity is a class 6 felony 12-47.1-822 (3) when the offender has been issued a license pursuant to the Colorado Limited Gaming Act. 12-47.1-823 (2) 28. Fraudulent acts - gaming. Violation of any of the provisions of section 12-47.1-823 regarding fraudulent gaming acts is a class 6 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act. 29. Use of a device for calculating probabilities. Use or possession of any 12-47.1-824 (2) device used to assist in projecting the outcome of a game, keep track of cards played, or analyze the probability of an event occurring or the strategy for playing or betting is a class 6 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act. 30. Counterfeit or unapproved chips or tokens - unlawful devices, 12-47.1-825 (8) equipment, products, or materials. Violation of any of the provisions of section 12-47.1-825 regarding the use of counterfeit or unapproved chips or tokens, unlawful coins or devices, and the possession of certain unlawful devices, equipment, products, or materials is a class 6 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act. 31. Cheating game and devices. Knowingly conducting, operating, or 12-47.1-826 (2) allowing any cheating or thieving game or device, or knowingly dealing, conducting, or operating any game with cards or devices which have been marked or tampered with is a class 6 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act. 32. Manufacture, sale, distribution of equipment and devices associated 12-47.1-827 (4) with limited gaming. Violation of any of the provisions of section 12-47.1-827 regarding the unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming is a class 6 felony when the offender has

33. **Pawnbrokers**. A second or subsequent conviction for a violation of 12-56-104 (4) Article 56 of Title 12 within three years after the date of a prior conviction constitutes a class 6 felony.

been issued a license pursuant to the Colorado Limited Gaming Act.

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34. **Pawnbrokers**. Any customer who knowingly gives false information with 12-56-104 (5) respect to the information a pawnbroker is required to obtain and keep, commits a class 6 felony.

35. Acting as subdivision developer without registering. Any person who acts as a subdivision developer without having been properly and legally registered commits a class 6 felony.

#### Offenses Related to Courts and Court Procedure

- 36. *Confidentiality courts.* Releasing information regarding a decision of 13-1-128 (4) a court of record before such decision is publicly announced by the court is a class 6 felony.
- 37. *Avoiding writ*. Any person who attempts to avoid a writ of habeas corpus 13-45-114 commits a class 6 felony.

#### **Inchoate Offenses**

- 38. *Criminal attempt*. Criminal attempt to commit a class 5 or class 6 felony 18-2-101 (4) is a class 6 felony.
- 39. *Criminal attempt*. Criminal attempt to commit a felony defined outside 18-2-101 (5) of the criminal code and for which no penalty is specified is a class 6 felony.
- 40. *Conspiracy*. Conspiracy to commit a felony defined outside of the 18-2-201 (5) criminal code and for which no penalty is specified is a class 6 felony.
- 41. *Conspiracy*. Conspiracy to commit a class 5 or class 6 felony is a class 6 18-2-206 (1) felony.

#### **Offenses Against the Person**

- 42. Assault in the second degree. When assault in the second degree is committed upon a sudden heat of passion, caused by a highly provoking act of the victim, affecting the person causing the assault sufficiently to excite an irresistible passion in a reasonable person, and without an interval between the provocation and the injury sufficient for the voice of reason and humanity to be heard, it is a class 6 felony.
- 43. *Failure to register as a sex offender*. Failure to register as a convicted sex offender or submitting false information on a registration form is a and (c) class 6 felony.

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# **Offenses Against Property**

44. **Aggravated motor vehicle theft.** Second degree aggravated motor vehicle 18-4-409 (4) (b) theft is a class 6 felony when the value of the motor vehicle or vehicles involved is \$500 or more but less than \$15,000.

- 45. **Theft of medical records or medical information**. Any person who obtains medical records or medical information without authorization and who uses the records or information for his own use or the use of another commits theft of medical records or medical information, which is a class 6 felony.
- 46. *Unlawful transfer for sale of sound recordings*. Any person who, without the consent of the owner, transfers any copyrighted sound recordings with the intent to sell such article on which such sounds are recorded or to cause the same to be sold for profit or used for promotion, commits a class 6 felony.

### **Offenses Involving Fraud**

- 47. *Criminal possession of first degree forged instrument*. Any person who possesses a forged instrument and intends to use the instrument to defraud, commits a class 6 felony.
- 48. *Criminal possession of forgery devices*. Any person who possesses 18-5-109 (2) forgery devices with the intent to fraudulently use them commits a class 6 felony.
- 49. *Criminal impersonation*. Any person who assumes a false or fictitious 18-5-113 (2) identity or capacity and in such identity or capacity does an act with intent to unlawfully gain a benefit for himself or herself or another or to injure or defraud another commits a class 6 felony.
- 50. *Fraud by check*. Fraud by check is a class 6 felony if the fraudulent check was for the sum of \$500 or more, or if the offender is convicted of fraud by check involving the issuance of two or more checks within any 60 day period totaling \$500 or more, or if the offender has been twice previously convicted under this section.
- 51. *Fraud by check*. Fraud by check is a class 6 felony if the fraudulent check was drawn on an account which did not exist or which had been closed for a period of 30 days or more prior to issuance of the check.
- 52. **Issuing a false financial statement**. A person who issues two or more 18-5-209 (5) false financial statements for the purpose of obtaining two or more financial transaction devices in order to obtain property, services, or money commits a class 6 felony.

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53.	<b>Receiving deposits in a failing financial institution</b> . Any officer, manager, or other person directing a financial institution, who receives deposits or investments, knowing that the institution is insolvent, commits a class 6 felony.	18-5-210
54.	Unlawful activity concerning the selling of land. Any person who knowingly makes a false representation as to the existence of an ownership interest in land which he or she has as a seller or which his or her principal has, and which is relied upon, commits a class 6 felony.	18-5-302 (2)
55.	Commercial bribery and breach of duty to act disinterestedly. A person who solicits, accepts, or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he or she is subject commits a class 6 felony.	18-5-401 (1)
56.	Commercial bribery and breach of duty to act disinterestedly. A person who holds himself or herself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of commodities, property, or services commits a class 6 felony if that person knowingly solicits, accepts, or agrees to accept any benefit to alter, modify, or change his or her selection, appraisal, or criticism.	18-5-401 (2)
57.	Commercial bribery and breach of duty to act disinterestedly. A person who confers or offers or agrees to confer any benefit the acceptance of which would be a felony under subsections 18-5-401(1) and 18-5-401(2) commits a class 6 felony.	18-5-401 (3)
58.	<i>Bribery in sports</i> . Any person involved in bribery in sports contests or of sports participants commits a class 6 felony.	18-5-403 (3)
59.	<i>Fraudulent receipt</i> . A warehouseman who fraudulently issues a receipt for goods knowing that the goods have not been actually received by the warehouseman, or are not under his or her actual control at the time of issuing the receipt, commits a class 6 felony.	18-5-506
60.	<b>Duplicate receipt not marked</b> . A warehouseman who issues a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods is outstanding and uncancelled, without placing upon the face thereof the word "duplicate", commits a class 6 felony.	18-5-508
61.	Criminal possession of a financial transaction device. Any person who possesses two or more financial transaction devices, with the intent to defraud or which he or she knows to be lost, stolen, or delivered under a	18-5-703 (3)

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mistake commits a class 6 felony.

- 62. *Criminal possession of a blank financial transaction device*. Any person 18-5-705 (2) who possesses a blank financial transaction device and who intends to use, deliver, circulate, or sell it without the authorization of the issuer or manufacturer commits a class 6 felony.
- 63. *Criminal possession of forgery devices*. A person who possesses any tools, photographic equipment, printing equipment, or other device used in the unauthorized manufacture, printing, embossing, magnetic encoding, or altering of a financial transaction device commits a class 6 felony.
- 64. *Equity skimming*. Equity skimming of a vehicle is a class 6 felony. 18-5-803 (2)

# **Computer Crime**

65. *Computer crime.* A person commits a class 6 felony if he or she accesses a computer, computer network, or computer system without authorization, exceeds authorized access to, or uses a computer, computer network, or computer system without authorization or in excess of authorized access after having been previously convicted of such offense.

# Offenses Involving the Family Relations

- 66. **Bigamy**. Any married person who, while still married, marries or cohabits 18-6-201 (2) with another commits bigamy which is a class 6 felony.
- 67. *Crimes against at-risk adults and at-risk juveniles*. A crime against an at-risk adult or at-risk juvenile is a class 6 felony when the crime amounts to criminal negligence resulting in bodily injury.
- 68. *Crimes against at-risk adults and at-risk juveniles.* A person who 18-6.5-103 (7) (c) commits unlawful sexual contact or third degree sexual assault against a victim who is an at-risk adult or an at-risk juvenile commits a class 6 felony.
- 69. *Crimes against at-risk adults and at-risk juveniles*. A psychotherapist 18-6.5-103 (7) (f) who commits sexual assault against a client who is an at-risk adult or an at-risk juvenile commits a class 6 felony.

# **Offenses Relating to Morals**

- 70. *Obscenity*. Wholesale promotion of obscenity to a minor is a class 6 18-7-102 (1.5) (b) felony.
- 71. *Obscenity*. Promotion of obscenity to a minor is a class 6 felony. 18-7-102 (2.5) (b)

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- 72. Patronizing a prostitute with knowledge of being infected with AIDS. 18-7-205.7 (2) Patronizing a prostitute with knowledge of being infected with AIDS is a class 6 felony.
   73. Indecent exposure. A third or subsequent offense of indecent exposure. 18-7-302 (4)
- 73. *Indecent exposure*. A third or subsequent offense of indecent exposure 18-7-302 (4) to a child is a class 6 felony.
- 74. **Sexual conduct in penal institutions.** An employee or contract employee of a criminal justice facility who engages in sexual conduct with an inmate commits a class 6 felony if the conduct consists solely of sexual contact.
- 75. **Sexual conduct in penal institutions.** A volunteer at a criminal justice 18-7-701 (4) (b) facility who engages in sexual conduct including sexual intrusion or sexual penetration commits a class 6 felony.

# Offenses Related to Governmental Operations

- 76. *Accessory to crime*. Being an accessory to a crime is a class 6 felony 18-8-105 (5) when the crime is a class 6 felony.
- 77. *False report of explosives*. Any person who reports that a bomb or other explosive, chemical or biological agent, poison or weapon, or harmful radioactive substance has been placed in any public or private place or vehicle, knowing that the report is false, commits a class 6 felony.
- 78. *Impersonating a peace officer*. Any person who falsely pretends to be a peace officer and performs an act in that pretended capacity commits a class 6 felony.
- 79. *Introducing contraband in the second degree*. Any person who 18-8-204 (3) introduces contraband, as defined in section 18-8-204, into a detention facility commits a class 6 felony.
- 80. **Possession of contraband in the first degree**. Any person confined in a 18-8-204.1 (2) detention facility who possesses contraband (other than a dangerous instrument) commits a class 6 felony.
- 81. *Violation of bail bond conditions*. A person who has been accused of a 18-8-212 (1) felony and is released on bail bond commits a class 6 felony if he or she knowingly fails to appear for trial or if he or she knowingly violates the condition of the bail bond.
- 82. *Compensation for official behavior*. A person who accepts compensation 18-8-303 (1) for having, as a public servant, given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised a discretion in another person's favor, or a person who offers compensation for such a favor commits a class 6 felony.

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83. **Designation of supplier prohibited**. Any public servant who requires or directs a bidder or contractor to deal with a particular person in procuring goods or services required in submitting a bid to or fulfilling a contract with any government commits a class 6 felony.

- 84. *Misuse of official information*. Any public servant who, in contemplation of official action or in reliance on information to which he or she has access in an official capacity and which has not been made public, commits a class 6 felony if he or she: (1) acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or (2) speculates or wagers on the basis of such information or official action; or (3) aids, advises, or encourages another to do any of the foregoing with intent to confer on any person a special pecuniary benefit.
- 85. **Issuing a false certificate**. A public servant who is authorized to make 18-8-406 and issue official certificates or other official written instruments commits a class 6 felony if he or she makes and issues such an instrument containing a statement which he or she knows is false.
- 86. *Tampering with physical evidence*. Tampering with physical evidence 18-8-610 (3) is a class 6 felony.

### Offenses Against Public Peace, Order, and Decency

- 87. *Firearms, explosives, or incendiary devices in facilities of public* 18-9-118 *transportation*. Any person who, without legal authority, possesses any loaded firearm or explosive or incendiary device, or carries or brings any of such items into any facility of public transportation, commits a class 6 felony.
- 88. *Cruelty to animals.* A second or subsequent conviction of cruelty to 18-9-202 (2) (b) (I) animals is a class 6 felony.
- 89. *Cruelty to animals.* Aggravated cruelty to animals (knowing torture, 18-9-202 (2) (c) torment, or killing) is a class 6 felony.
- 90. *Unlawful ownership of dangerous dog.* Unlawful ownership of a 18-9-204.5 (3) (c) dangerous dog when the dog inflicts bodily injury upon a person is a class 6 felony for a second or subsequent violation.
- 91. *Wiretapping prohibited*. Wiretapping that does not involved a cordless 18-9-303 (2) phone is a class 6 felony.
- 92. *Eavesdropping prohibited*. Eavesdropping is a class 6 felony. 18-9-304 (2)

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93. *Illegal telecommunications equipment.* Any person who makes, 18-9-309 (2.5) possesses, or uses illegal telecommunications equipment, commits a class 6 felony for a second or subsequent violation within five years of a previous violation.

94. *Unlawful use of information*. Any person who, having obtained 18-9-310 information pursuant to a court order for wiretapping or eavesdropping, knowingly uses, publishes, or divulges the information to any person or in any manner not authorized by law commits a class 6 felony.

# **Offenses Involving Gambling**

- 95. **Possession of gambling devices.** Possession of gambling devices by a 18-10-105 (2) repeating gambling offender is a class 6 felony.
- 96. *Gambling information*. Any person who is a repeating gambling offender and knowingly transmits or receives gambling information commits a class 6 felony.
- 97. *Gambling premises.* A repeating gambling offender who maintains 18-10-107 (3) gambling premises commits a class 6 felony.

### **Offenses Involving Disloyalty**

98. *Inciting destruction of life or property.* Any person who advocates the unlawful destruction of private or public property by the use of physical force, or the unlawful injury of any person, or the unlawful taking of human life, as a policy or course of conduct, under circumstances constituting a clear and present danger that violent action will result therefrom, commits a class 6 felony.

#### Offenses Related to Firearms and Weapons

- 99. **Possession of weapons on school, college, or university grounds.** A 18-12-105.5 (1) person who knowingly and unlawfully carries, brings, or possesses a weapon on the property of any school, college, or university commits a class 6 felony.
- 100. **Possession of weapons by previous offender.** A person who knowingly possesses, uses, or carries a firearm or any other weapon subsequent to the person's conviction for attempt or conspiracy to commit a felony commits a class 6 felony.

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101. **Possession of weapons by previous offender.** A person who knowingly possesses, uses, or carries a firearm or any other weapon subsequent to the person's adjudication for an act which, if committed by an adult, would constitute a felony, commits a class 6 felony.

18-12-108 (4) (a)

#### Miscellaneous Offenses

- 102. *Criminal libel*. It is a class 6 felony to publish or disseminate any statement or object tending to blacken the memory of one who is dead, or to impeach the reputation or expose the natural defects of one who is alive, exposing the person to public hatred, contempt, or ridicule.
- 103. *Firing woods or prairie.* Any person who, without lawful authority and knowingly, recklessly, and with criminal negligence sets on fire, or causes to be set on fire, any woods, prairie, or grounds of any description, other than his or her own, or who, knowingly, recklessly, or with criminal negligence permits a fire, set or caused to be set by such person, to pass from his or her grounds to the injury of any other person commits a class 6 felony when he or she knows or reasonably should know that he or she violates any applicable order, rule, or regulation lawfully issued by a governmental authority that prohibits, bans, restricts, or otherwise regulates fires during periods of extreme fire hazard and that is designed to promote the safety of persons and property.

# Offenses — Making, Financing, or Collection of Loans

- 104. *Criminal usury*. Any person who knowingly charges, takes, or receives any money or other property as a loan finance charge where the charge exceeds an annual percentage rate of forty-five percent or the equivalent for a longer or shorter period commits a class 6 felony.
- 105. *Financing criminal usury*. Any person who finances criminal usury 18-15-106 commits a class 6 felony.
- 106. **Records of criminal usury**. Any person who possesses or conceals 18-15-108 (1) records of criminally serious transactions with intent to aid, assist, or facilitate criminal usury commits a class 6 felony.

#### Offenses Related to Purchases of Valuable Articles

107. *Violation of "Purchase of Valuable Articles" statute*. Any person who violates the provisions of Article 16 of Title 18, concerning the purchase and sale of valuable articles, or who knowingly gives false information regarding the seller of a valuable article commits a class 6 felony.

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#### **Uniform Controlled Substances Act of 1992**

- 108. *Unlawful use of a controlled substance*. Any person who uses any 18-18-404 (1) (a) controlled substance, except its lawful administration for bona fide medical needs, commits a class 6 felony in the case of a schedule I or II controlled substance.
- 109. *Unlawful activity relating to controlled substances*. Any person who possesses one gram or less of any material, compound, mixture, or preparation containing any quantity of a schedule I through schedule IV controlled substance commits a class 6 felony if it is the person's first conviction of such offense.
- 110. *Unlawful use of marihuana in a detention facility*. Any person confined in any detention facility in this state who possesses or uses up to eight ounces of marihuana commits a class 6 felony.

# **Offenses Related to Limited Gaming**

- 111. *Cheating*. Cheating at any limited gaming activity is a class 6 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act.
- 112. *Fraudulent acts*. Violation of any of the provisions of section 18-20-107 18-20-107 (2) regarding fraudulent acts pursuant to the Colorado Limited Gaming Act is a class 6 felony when the offender has been issued a license pursuant to the Colorado Limited Gaming Act.
- 113. Use of device for calculating probabilities. Any person who uses or possesses a device intended to project the outcome of a game, keep track of cards played, analyze the probability o the occurrence of an event in the game or analyze the strategy for playing a game pursuant to the Colorado Limited Gaming Act commits a class 6 felony when the offender has been issued a license pursuant to the Act.
- 114. Counterfeit or unapproved chips or tokens unlawful coins or devices.

  Violation of any of the provisions of section 18-20-109 regarding the use of counterfeit or unapproved chips or tokens or unlawful coins or devices or the possession of unlawful devices, equipment, products or materials pursuant to the Colorado Limited Gaming Act is a class 6 felony when the offender has been issued a license pursuant to the Act.

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115. Cheating game and devices. Any person who knowingly conducts or allows any cheating or thieving game or conducts any game played with cards or a mechanical device which has been marked commits a class 6 felony when the person has been issued a license pursuant to the Colorado Limited Gaming Act.

18-20-110 (2)

116. Manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming. Any person who violates any of the provisions of section 18-20-111 regarding the unlawful manufacture, sale, distribution, marking, altering, or modification of equipment or devices related to limited gaming commits a class 6 felony when the offender has been issues a license pursuant to the Colorado Limited Gaming Act.

18-20-111 (4)

#### Offenses Related to Education

117. Interest in contracts - penalty. It is a class 6 felony for the board of 22-80-108 trustees or any treasurer, superintendent, or other officer or agent of the school to be directly or indirectly interested in any contract or other agreement for building, repairing, furnishing, or supplying the school, or to be given or receive drawbacks or secret discounts on account of any articles or materials furnished to or labor done for the school.

#### Offenses Related to State Government

**Personal profit on state moneys unlawful.** It is a class 6 felony for the 118. State Treasurer or any employee in the Department of the Treasury to accept any fee in consideration of the deposit of state moneys with any person or in consideration of any agreement or arrangement touching upon the use of state moneys.

24-22-110

119. Unlawful acts - State Treasurer. Any person who pays to the State Treasurer or an employee of that office any fee in consideration of the deposit or investment of state moneys with any person commits a class 6 felony.

24-22-111

120. **Procedures - vouchers and warrants.** Any person (State Treasurer or Controller or any other state officer or employee) who receives any profit in consideration of the loan or deposit of state moneys for any purpose not authorized by law commits a class 6 felony.

24-30-202 (15)

121. Procedures - vouchers and warrants. Any person who offers compensation to the State Treasurer or Controller or to any other state officer or employee in consideration of the loan or deposit with such person of state moneys commits a class 6 felony.

24-30-202 (16)

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- 122. *False claims for disaster relief.* Any person who fraudulently makes a 24-32-2503 misstatement of fact in connection with an application for financial assistance for disaster relief and who thereby receives assistance to which he or she is not entitled commits a class 6 felony.
- 123. **State lottery**. Any person violating any disclosure provision required 24-35-215 (4) under the state lottery statute by providing any false or misleading information commits a class 6 felony.
- 124. **Public printing contracts penalty for bribe**. Any person who either 24-70-220 offers to pay another not to bid for a public printing contract or any person who accepts payment for not bidding for a public printing contract commits a class 6 felony.

# Offenses Related to the Military and Veterans

125. *Misuse of property and funds by military*. Any officer or enlisted person 28-3-701 who misuses military property or funds commits a class 6 felony.

# Offenses Related to Wildlife, Parks, and Outdoor Recreation

- 126. **License agents reports board of claims**. Any license agent who fails 33-4-101 (11) (b) to account for licenses or who fails to pay over to the division its authorized representative moneys received from the sales of licenses and all donations received, when the amount in question is \$200 or more, commits a class 6 felony.
- 127. **Pass and registration agents reports board of claims**. Any pass or registration agent who fails to account for passes and registrations or who fails to pay over to the division or its authorized representative moneys received from the sale of passes and registrations when the amount in question is \$200 or more, commits a class 6 felony.
- 128. *Fires.* Any person who starts, builds, tends, or maintains a fire in violation of the provisions of any applicable order lawfully issued by a governmental authority that prohibits, bans, or regulates fires during periods of extreme fire hazard and that is designed to promote the safety of persons and property when such person knows or reasonably should know that he or she violates any such order commits a class 6 felony.

#### Offenses Related to Mineral Resources

129. *Mining equipment - violation*. Any person who violates the provisions 34-46-105 of Article 46 of Title 34 concerning mining equipment and the transportation thereof commits a class 6 felony.

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130. *Failure to account for mine proceeds*. Any owner, manager, or agent employed in extracting gold who neglects to account for, or pay over and deliver, all the proceeds thereof to which the owner is entitled commits a class 6 felony.

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#### Offenses Related to Agriculture

- 131. *Chemigation penalties.* Utilization of chemigation without a permit is 35-11-115 (1) a class 6 felony.
- 132. **Wrongful branding penalty**. Any person who brands an animal which is the property of another or obliterates an existing brand is guilty of a class 6 felony. (Theft by means other than the use of force, intimidation, or threat is a class 6 felony without regard to the value of the thing taken; see section 18-4-401(5).)
- 133. Who may take up estrays. Any person who takes into custody and retains possession of any estray without notifying the State Board of Stock Inspection Commissioners within the time provided by statute is guilty of a class 6 felony.
- 134. *Concealing estray*. Any person who conceals any estray found or taken into his or her custody, or changes any mark or brand thereon, or carries the same beyond the county limits, or knowingly allows the same to be done, or neglects to notify or give information of estrays to the State Board of Stock Inspection Commissioners is guilty of a class 6 felony.
- 135. **Shipping prior to inspection**. Any person who violates the provisions of 35-53-112 (1) the law concerning the transportation of livestock prior to inspection commits a class 6 felony, if it is for a third or subsequent violation.
- 136. **Wrongful use of inedible meat**. Any person who adds to, mixes with, or 35-59-113 substitutes an inedible meat for food intended to be used for human consumption commits a class 6 felony.

#### Offenses Related to Natural Resources

137. **Weather modification**. Any person who fails to obey an order issued by the director of the Department of Natural Resources to cease conducting weather modification because of the lack of a permit or a license commits a class 6 felony.

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138. **Weather modification**. Any person responsible for conducting a weather modification operation without first having procured a license and permit or any person who contracts with another person known to be unlicensed and without a permit to conduct a weather modification operation commits a class 6 felony.

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# Offenses Related to Water and Irrigation

- 139. **Penalty for fraud by officer of water and irrigation district.** Any officer of a water or irrigation district who misuses district money commits a class 6 felony.
- 140. *Officer interested in contracts.* Any drainage district officer who is 37-24-107 interested in any contract awarded by the board or in the profits thereof, or who receives a bribe or gratuity, commits a class 6 felony.
- 141. *Officer interested in contracts.* Any director or officer of the Grand 37-31-123 Junction Drainage District who is interested in any contract awarded by the board, or in the profits thereof, or who receives a bribe or gratuity, commits a class 6 felony.
- 142. *Officer interested in contracts*. Any director or officer of an irrigation 37-41-108 district who is interested in any contract awarded by the board, or in the profits thereof, or who receives a bribe or gratuity, commits a class 6 felony.
- 143. *Officer interested in contracts*. Same offense as above as applied to 37-42-110 (6) Irrigation District Law of 1921 is a class 6 felony.
- 144. *Officer interested in contracts*. Same offense as described above and as applied to officers or directors of an internal improvement district is a class 6 felony.

### Offenses Related to Real and Personal Property

- 145. Altering or using altered certificate. Any person who alters or forges or causes to be altered or forged any certificate issued pursuant to the provisions of Article 29 of Title 38, or any written transfer thereof, or any other notation placed thereon by the director or under his or her authority respecting the mortgaging of the manufactured home therein described or who uses or attempts to use any such certificate for the transfer thereof, knowing the same to have been forged or altered, commits a class 6 felony.
- 146. *Theft of certificate*. Theft of a certificate of title to real estate is a class 38-36-192 6 felony.

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147. *Fraudulently procuring certificate of title to land*. Whoever fraudulently 38-36-194 procures any certificate of title to land commits a class 6 felony.

148. *Forging seal or signature*. Any person who forges the seal of the 38-36-195 registrar of titles commits a class 6 felony.

#### Offenses Related to Taxation

- 149. **Department of Revenue employees.** Any officer or employee of the 39-21-112 (7) (b) Department of Revenue who: (1) extorts or willfully oppresses any person through use of his or her authority; (2) knowingly demands greater sums than are authorized by law or receives any fee, compensation, or reward for the performance of his or her job; (3) makes opportunity for any person to defraud the state by intentionally failing to perform his or her duty; (4) conspires or colludes with any other person to defraud the state; (5) knowingly makes opportunity for any person to defraud the state; (6) commits or omits to do any act with the intent to enable any other person to defraud the state; or (7) makes or signs any fraudulent entry in any book or makes or signs any fraudulent certificate, return, or statement; or (8) fails to report to the executive director in writing any information concerning a violation of any revenue law; or (9) demands directly or indirectly, any sum of money for the settlement of any charge or complaint commits a class 6 felony.
- 150. *Officers or employees taking fees or rewards*. Any executive director or any inheritance or gift tax analyst or other employee of the Department of Revenue who takes or demands for his or her own use any fees or rewards from any person commits a class 6 felony.
- 151. *Motor fuel and special fuel tax no distributor license*. It is unlawful for any person to act as a motor fuel distributor, supplier, importer, exporter, carrier, or blender in this state without having a license therefor. A person who engages in such a business without a license commits a class 6 felony.

#### **Offenses Related to Utilities**

152. *Owner driving stock on track*. It is a class 6 felony for an owner of stock 40-27-101 to drive any stock on the line of the track of any railway company with intent to injure the company.

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# Offenses Related to Vehicles and Traffic

153. *Driving after revocation prohibited.* Aggravated driving with a revoked 42-2-206 (1) (b) license is a class 6 felony. (II)

154. *Altering or using altered certificate.* A person who causes to be altered or forged a certificate of title to any automobile commits a class 6 felony.

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